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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/802,120

03/17/2004

Marco Flavio Ianniello

3590

7590

08/23/2006

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EXAMINER

CAO, PHUONG THAO

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,120	<b>Applicant(s)</b> IANNIELLO, MARCO FLAVIO	
	<b>Examiner</b> Phuong-Thao Cao	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Application filed on 3/17/2004.
2. Claims 1-5 are pending.

#### ***Claim Objections***

3. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.
4. Claim 1 is objected to because of the following informalities: “data base” in line 14 should be changed to “database” for consistency. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said business" in line 3 of the claim, the limitation "the system" in line 8, the limitation "said program" in line 10, and the limitation "the system" in line 13. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitation "the goods" in line 2 of the claim, the limitation "the supplier" in line 5, and the limitation "the potential customer" in line 5. There is insufficient antecedent basis for these limitations in the claim.

Regarding claim 4, the limitation "the information specified by claim 3" renders the claim indefinite because it is unclear which information is referred.

Regarding claim 4, the phrase "e.g." meaning "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claims 2 and 5 are rejected as incorporating the deficiencies of a claim upon which they depend.

7. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP §

2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "communication network", and the claim also recites "the internet" which is the narrower statement of the range/limitation.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cirolì, JR. et al. (Publication No US 2002/0082970).

As to claim 1, Cirolì, JR. et al. teach:

“A method for administrating a dynamic advertising tool for freight services between transportation providers and customers (in the following called users) through a computer network, said business involving at least one system administrator, at least one person offering freight services and at least one person requiring freight service, who are accessible through a communication network, i.e. the internet” (see Abstract, [0026], [0028]-[0031], [0037], [0041]-[0043], [0045], [0052], [0062 and Fig. 1); said method consists of the following elements:

“a database storing and maintaining identifying information related to the users; said users having identified themselves by being registered with the system” (see Fig. 1, [0070]-[0071], [0073]-[0075] and [0083]-[0084] wherein shippers or carriers is equivalent to Applicant’s “users”, and posting shipper or carrier profile information as disclosed is equivalent to identifying by being registered with the system as illustrated in Applicant’s claim language);

“providing a Web page including a search icon for accessing specific matching information from said database, after entering specific user information” (see [0074] and [0084]);

“said program will search for its respective match and the data is added to the database for research purposes” (see [0074]-[0076] and [0083]-[0084] for disclosure of searching for appropriate posted loads from the database and storing load posts and bids in the database);

“counterpart party, respectively either offering or inquiring into freight service and therefore representing a potential contracting party” (see [0002], [0003], [0007], [0028] and [0060]);

“after clicking the search icon, the system will match all of the entered information to the data stored in the database which will result in a result list” (see [0062], [0074 and [0084]).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Cirolì, JR. et al. teach:

“enables the inquiring party to contact a prospective business associate; wherein the inquiring party may offer or inquire into the availability of freight services” (see [0071], [0072] and [0086]).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Cirolì, JR. et al. teach:

“wherein said specific user information, comprises delivery schedule data of the departure and destination of the goods, the single and total volume of good(s), the single and total weight of good(s), the performance period, the data of the inquiry or offer was entered, the price of the service (the minimum price specified by the supplier and the maximum price specified by the potential customer), the type of goods, the maximum acceptable detour distance or maximum acceptable delay in time” (see [0060]-[0063], [0074]-[0076] and [0086]).

As to claim 4, this claim is rejected based on arguments given above for rejected claims 1 and 3, and is similarly rejected including the following:

Cirolì, JR. et al. teach:

“wherein said results list, contains the information specified by claim 3 and the contact information (e.g. phone, e-mail, facsimile or mailing address) of the prospective business associates” (see [0075] wherein profile information must include contact information as illustrated in Applicant’s claim language).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 2 and is similarly rejected including the following:

Cirolì, JR. et al. teach:

“wherein said parties contact each other, enables the users to negotiate further details of the potential business arrangement and possibly resulting in a contract” (see [0086]).

10. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

Nagasaka (Publication No US 2002/0156643) teaches a physical distribution system including an information management module registering cargo information input by a shipper into a shipper information terminal and freight information input by a carrier into a shipper information terminal as part of the physical distribution information. The information management module retrieves the physical distribution information to find an address of the shipper with regard to a cargo that satisfies a predetermined condition allowing delivery by the carrier, as well as the current position of the transportation medium by the carrier.



Sharp et al. (Publication No US 2002/0111892) teach a marketplace and management system for freight transportation. It acts as an intermediary between buyers and sellers for freight transportation which provides a marketplace allowing buyers and sellers to enroll in the marketplace, maintain their account and track their operations.

Lockwood (US Patent No 4,567,359) teaches a system for automatically dispensing information, goods and services to a customer on a self-service basis including a central data processing center in which information on services offered by various institutions in a particular industry is stored.

Abendroth (Publication No US 2002/0087371) teaches a freight management system for arranging for shipment of a load, offering equipment, selling a product or providing service for a shipper by a carrier, based on shipping data and carrier data supplied by the shipper and the carrier.

Goolkasian et al. (Publication No US 2005/0060244) teach a system and method for selecting freight forwarding companies based on evaluating the bid information submitted and historical data stored in the database.

Morimoto (Publication No US 2002/0169710) teaches a system and method for negotiating and providing quotes for freight and insurance in real time including a emarketplaces which may be configured to allow purchasers to enter description of items to be shipped and

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insured. The system may then search the current database to provide the purchaser with a quote for freight and insurance services.

Purcell (Publication No US 2003/0177026) teaches a method for exchanging information between providers and users of products and services. Limited electronic access to the information management system is granted to approved buyers of products or services and are provided a searching capability to search a compilation of a plurality of seller's inventory information using criteria specified by the approved buyer.

Calonge (US Patent No 7,072,857) teaches a method for providing online submission of request for proposals for forwarding to identified vendors. The system and method provide the prospective buyer with the option of automatically identifying potential appropriate sellers by means of key word searches in a compiled database of vendor information and product and services descriptions.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

August 16, 2006

*Luke S. Madson*  
Primary Examiner  
Art Unit 2167